

REMARKS

This Addendum is intended to supplement the Response to Office Action submitted in reply to the Office action of October 14, 2005 which was submitted on February 13, 2006. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment.

In the Office action, Claims 1-2, 4, 5, 7-19, 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tanner et al.* in view of *Palermo*. The Office action took the position that *Tanner et al.* discloses an oral dosage form for pharmaceuticals which is rendered tamper evident by color neutralizing its inherent amber/yellow color with edible dyes and pigments. The Office action acknowledges that *Tanner* does not disclose opioids as active ingredients in its pharmaceuticals. In the Office action *Palermo* is relied upon as teaching that opioids are specific pain killing drugs that are targeted for reduction in abuse and one of skill in the art would therefore be motivated to apply the *Tanner* dyes to opioids, making the present invention obvious.

Claims 1 and 24 have been amended to clarify that the dye is an aversive agent and is added in a sufficient amount to impart an indication of abuse to an abuser. Support for the amendments can be found in the specification at Page 4, lines 1 and 2 which describes aversive agents as including dyes; Page 4, lines 33-34 which describes that dyes impart an indication of abuse to an abuser and Page 5, lines 35-38 which describes that a sufficient amount of dye is used to stain the point of contact. These references are exemplary and further support may be found throughout the specification.

With respect to Claims 1 and 24, Applicant respectfully submits that neither *Tanner* nor *Palermo*, nor their combination disclose the use of a sufficient amount of an aversive dye interspersed with an opioid to impart an indication of abuse to an abuser of the claimed dosage forms. Rather the dyes disclosed in *Tanner* are for a different purpose. The dyes provide an indication of whether the dosage form, which is rendered clear by the added dye, has been tampered with because tampering of the *Tanner* dosage form would affect the balance of dyes and change the appearance of the dosage form. The *Tanner* dyes do not impart any indication that anyone, such as an abuser, may have tampered with or abused its dosage forms, as required by Claims 1

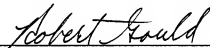
and 24. Thus, Applicants respectfully request that the rejection with respect to Claims 1, 24 and their dependent Claims 2, 4, 5, 7-19, 23 and 25 be reconsidered and withdrawn.

Applicant is appreciative of the courtesies provided by the Examiner and has made an earnest endeavor to place this application in condition for allowance. If the Examiner has any questions regarding this Addendum, or becomes aware of any matters that can be resolved by telephone, Applicant requests the Examiner to contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY



Robert M. Gould
Reg. No. 36,462
Customer No. 24573

Dated:

April 24, 2006